

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1980 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed
to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy
of the judgement? No

4. Whether this case involves a substantial question
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil
Judge? No

RAMBHAI N DHADHAL

Versus

SHYAM TRADERS THRO'POWER OF ATTON. & PARTNER

Appearance:

MR DC DAVE for Petitioner

MC SHAH Advocate, for No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 17/12/96

ORAL JUDGEMENT

The learned counsel for the petitioner seeks
permission to delete the respondents Nos. 2 and 3.

Permission is granted.

Rule. The learned counsel appearing for the respondent No. 1 waives service of rule. At the request of both the sides, the matter is taken up for final disposal.

The petitioner challenges the order dated 10.12.1996 passed by the learned Sessions Judge, Amreli directing the parties to maintain status quo till 20.12.1996. That order was made on Misc. Appeal No. 85 of 1996 in which the original plaintiff had put up a grievance that the trial court while issuing notice had not granted ad interim relief to the original plaintiff. The notice issued by the trial court on the hearing of the application for interim relief Exh. 5 was made returnable on 18.12.1996. Therefore, the hearing of that application for interim relief is scheduled to come up tomorrow before the trial court. In this view of the matter, it would be appropriate to direct the trial court to take up the hearing of the application for interim relief as scheduled tomorrow notwithstanding the impugned order.

The appellate court should have allowed the hearing of the application scheduled tomorrow to proceed instead of ordering status quo to be maintained beyond that date. The impugned order is therefore set aside and the trial court is directed to hear the parties on the application for interim relief and decide the same in accordance with law. Status quo will be maintained by both the sides till tomorrow i.e. 18.12.1996. The trial court will take up the hearing of the application as scheduled tomorrow and if the hearing is not completed at the end of the day, make necessary orders on the question of ad-interim relief after hearing both the sides and without being prejudiced by the fact that the status quo was earlier ordered by the appellate court or by this court today. Rule is made absolute accordingly with no order as to costs. Direct service is permitted.

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